

Response to Comments

Chapter 3. State Agencies Comment Letters

Comment Letter AS001**AS001**

SACRAMENTO OFFICE
STATE CAPITOL
P.O. BOX 342840
SACRAMENTO, CA 95834-0036
(916) 319-2036
FAX (916) 319-2136
ANTELOPE VALLEY OFFICE
747 W. LANCASTER BLVD.
LANCASTER, CA 93534
(661) 723-3368
FAX (661) 723-6307
VICTOR VALLEY OFFICE
14343 CIVIC DRIVE, 1ST FLOOR
VICTORVILLE, CA 92392
(760) 843-8045
FAX (760) 843-8396

Assembly
California Legislature



SHARON RUNNER
VICE CHAIR, ASSEMBLY APPROPRIATIONS COMMITTEE
ASSEMBLYWOMAN, THIRTY-SIXTH DISTRICT

COMMITTEES:
• VICE CHAIR, APPROPRIATIONS
• BUDGET
• HOUSING & COMMUNITY DEVELOPMENT
• VETERANS AFFAIRS
SELECT COMMITTEES:
• AEROSPACE INDUSTRY
• AIRPORTS AND THE AIRLINE INDUSTRY
JOINT COMMITTEES:
• LEGISLATIVE SUNSET REVIEW

April 13, 2004

Joseph Patillo, Chair
California High Speed Rail Commission
925 L Street, Suite 1425
Sacramento, CA 95814



Dear Mr. Patillo and Members of the Commission:

Along with the overwhelming majority of elected officials in Southern California, I fully support the Antelope Valley alignment for the California High Speed Rail project. I regret that the press of legislative business prevented me from appearing personally before your hearing today in Los Angeles.


It is noteworthy, I believe, that the Antelope Valley alignment from Bakersfield to Los Angeles was previously selected as the superior route. I am therefore perplexed that the issue would still even be in doubt. Given the cost of the planned system, it would behoove the Commission to take into full account the economic benefits to be derived by routing through the area which provides an existing and fast growing population and revenue base. The region of Northern Los Angeles County I represent in the 36th Assembly District would benefit significantly from the Antelope Valley alignment, and not at all from the Interstate 5 alignment.

Looking forward, the Antelope and Victor valleys will continue to be primary economic growth drivers, which would both benefit and derive benefit from the Antelope Valley alignment. Both high desert valleys have large commercial airports, which will inevitably provide significant levels of service to the Southern California metroplex. To build a high speed rail system through a mountain pass beyond connectivity with those airports would be folly.

I urge you to support the Antelope Valley alignment on the basis of existing pragmatic evidence that it is economically, environmentally and socially the best route for the future high speed train.

Thank you for your consideration.

Sincerely,


Sharon Runner
Assembly Member, 36th District

AS001-1

Printed on Recycled Paper

**Response to Comments of Sharon Runner, Assemblywoman 36th District – California State Assembly, April 15, 2004
(Letter AS001)**

AS001-1

Acknowledged. Please see standard response 6.23.1.

Comment Letter AS002**AS002**

State of California

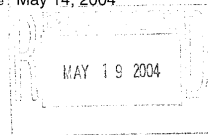
THE RESOURCES AGENCY OF CALIFORNIA

Memorandum

To : Project Coordinator, Resources Agency

Date : May 14, 2004

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814



From: Dennis J. O'Bryant

Acting Assistant Director, Division of Land Resource Protection

Subject: California High-Speed Train Draft Program Environmental Impact
Report/Environmental Impact Statement (DPEIR/EIS) **SCH#2001042045**

The Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above DPEIR/EIS and offers the following comments.

The California High-Speed Train proposal involves development of a high-speed train system for intercity travel from the Sacramento and Bay Area to San Diego. The DPEIR/EIS does not address environmental impacts at the site-specific level, but in generic terms. Our comments are also directed at the programmatic level, but should be considered in more detail when site-specific activities are identified.

Identification of Agricultural Lands and Project Impacts

The DPEIR/EIS, Chapter 3.8, provides a discussion of agricultural lands within the project corridors. On Page 3.8-1, the DPEIR/EIS notes that the agricultural lands discussed in the document are those included in the Division's Farmland Mapping and Monitoring Program. As noted in the DPEIR/EIS, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are agricultural map categories specifically shown on the Division's Important Farmland Maps.

The project corridors, as shown on Figure S.4-2, include some areas that are not mapped on Important Farmland Maps. For example, the route options shown south of Bakersfield traverse different sections of Kern County. Areas of Kern County are mapped as Important Farmland Maps in the northwest and southeast quadrants; and mapped as Interim Farmland Maps in the northeast and southwest quadrants. The agricultural map categories in the "interim map" areas are Irrigated Farmland and Non-Irrigated Farmland; there are no map categories for Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance. The Division recommends that the agricultural impact discussion for areas outside Important Farmland Map boundaries be based on the agricultural land definition in

Project Coordinator and Mr. Oviatt
May 14, 2004
Page 2

the Williamson Act. This would also be in accordance with the following definition for "agricultural land" in the California Environmental Quality Act (Public Resources Code §21060.1):

- (a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
- (b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

AS002-1
cont.

As mentioned in the DPEIR/EIS, the Division also recommends the use of the California model Land Evaluation and Site Assessment (LESA) Model for more refined site-specific analysis. The Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands. These factors are rated, weighted, and combined, resulting in a single numeric score for the project. The project score then becomes the basis for making a determination of a project's potential significance.

Mitigation Measures for Project Impacts on Agricultural Land

The Abstract notes that mitigation strategies are described for a variety of environmental impacts, including impacts on agricultural lands, and that these strategies would be further refined in project-level environmental review.

The DPEIR/EIS notes that mitigation would be based first on avoidance and that mitigation for site-specific impacts would depend on various factors. Feasibility of mitigation measures is uncertain and cannot be determined at the program level.

AS002-2

The Division recommends that although discussion of implementation of specific mitigations may be premature, the project should provide for the adoption of different mitigations. For example, if sufficient funding is not allotted for mitigation of agricultural land loss, mitigation measures such as purchase of conservation easements may not be economically feasible.

Discussion of Conservation Easements

The DPEIR/EIS provides a discussion of conservation easements which may be misleading. The Division recommends that the following descriptive paragraph be substituted for the discussion on Page 3-8.2:

AS002-3

Comment Letter AS002 Continued

Project Coordinator and Mr. Oviatt
May 14, 2004
Page 3

Conservation easements are voluntarily established restrictions that are permanently attached to property deeds, with the general purpose of retaining land in its natural, open-space, agricultural or other condition, while preventing uses that are deemed inconsistent with the specific conservation purposes expressed within the easements. Agricultural conservation easements define conservation purposes that are tied to keeping land available for continued use as farmland. Such farmlands remain in private ownership and the landowner retains all farmland use authority, but the farmland is restricted in its ability to be subdivided or used for non-agricultural purposes, such as urban uses. The Division's California Farmland Conservancy Program (Public Resources Code §10200 et seq.) supports the voluntary granting of agricultural conservation easements from landowners to qualified non-profit organizations, such as land trusts, as well as local governments.

Williamson Act

The DPEIR/EIS provides a description of the California Land Conservation (Williamson) Act on Page 3.8-2. We recommend that the following two paragraphs be substituted for the description of the Act.

The California Land Conservation Act (Government Code §51200 et seq.) of 1965, commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners. Local governments calculate the property tax assessment based on the actual use of the land instead of the potential land value assuming full development.

Williamson Act contracts are for 10 years and longer. The contract is automatically renewed each year, maintaining a constant, ten-year contract, unless the landowner or local government files to initiate nonrenewal. Should that occur, the Williamson Act would terminate 10 years after the filing of a notice of nonrenewal. Only a landowner can petition for a contract cancellation. Tentative contract cancellations can only be approved after a local government makes specific findings and determines the cancellation fee to be paid by the landowner.

The Williamson Act discussion or the discussion in Section 3.8.5, Mitigation Strategies, should also be supplemented with a discussion of the following state policies regarding public acquisition and locating public improvements on lands in agricultural preserves

AS002-3
cont.

AS002-4

Project Coordinator and Mr. Oviatt
May 14, 2004
Page 4

and on lands under Williamson Act contracts (Government Code §51290-51295). Any project specific steps taken to implement these policies should also be discussed.

- State policy to avoid location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land, in agricultural preserves.
- State policy to locate public improvements that are within agricultural preserves on land other than land under Williamson Act contract
- State policy that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public of land, particularly prime agricultural land, within an agricultural preserve.

At the project-specific level, we recommend that environmental documents include the following specific information on the agricultural preserves and Williamson Act contracts in the project area.

- A map detailing the location of agricultural preserves and contracted land within each preserve. The document should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- The impacts that public acquisition of areas under Williamson Act contracts would have on nearby properties also under contract; i.e., growth-inducing impacts.

The lead agency should also notice the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve (Government Code §51290-51295; attached). The notice should be mailed to:

Mr. Darryl Young, Director
California Department of Conservation
C/o the Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814

Thank you for the opportunity to comment on the DEIR. If you have questions on our comments, or require technical assistance or information on agricultural land conservation, please contact the Division at 801 K Street, MS 18-01, Sacramento, California 95814; or phone (916) 324-0850.

Attachment

AS002-4
cont.

AS002-5

Comment Letter AS002 Continued**Public Acquisitions of Lands Under Williamson Act Contract
Government Code Section 51290 to 51295**

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any federal, state, or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.
- (b) It is further the policy of the state that whenever it is necessary to locate such an improvement within an agricultural preserve, the improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.
- (c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land, and particularly prime agricultural land, within an agricultural preserve.

51290.5. As used in this chapter, "public improvement" means facilities or interests in real property, including easements, rights-of-way, and interests in fee title, owned by a public agency or person, as defined in subdivision (a) of Section 51291.

51291. (a) As used in this section and Sections 51292 and 51295, (1) "public agency" means any department or agency of the United States or the state, and any county, city, school district, or other local public district, agency, or entity, and (2) "person" means any person authorized to acquire property by eminent domain.

(b) Except as provided in Section 51291.5, whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Conservation and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve.

In accordance with Section 51290, the notice shall include an explanation of the preliminary consideration of Section 51292, and give a general description, in text or by diagram, of the agricultural preserve land proposed for acquisition, and a copy of any applicable contract created under this chapter. The Director of Conservation shall forward to the Secretary of Food and Agriculture, a copy of any material received from the public agency or person relating to the proposed acquisition.

Within 30 days thereafter, the Director of Conservation and the local governing body shall forward to the appropriate public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and those comments shall be considered by the public agency or person. In preparing those comments, the Director of Conservation shall consider issues related to agricultural land use, including, but not limited to, matters related to the effects of the proposal on the conversion of adjacent or nearby agricultural land to nonagricultural uses, and shall consult with, and incorporate the comments of, the Secretary of Food and Agriculture on any other matters related to agricultural operations. The failure by any person or public agency, other than a state agency, to comply with the requirements of this section shall be admissible in evidence in any litigation for the acquisition of that land or involving the allocation of funds or the construction of the public improvement. This subdivision does not apply to the erection, construction, alteration, or maintenance of gas, electric, piped subterranean water or wastewater, or communication utility facilities within an agricultural

**Government Code Section 51291 to 51295
Page 2**

preserve if that preserve was established after the submission of the location of those facilities to the city or county for review or approval.

(c) When land in an agricultural preserve is acquired by a public entity, the public entity shall notify the Director of Conservation within 10 working days. The notice shall include a general explanation of the decision and the findings made pursuant to Section 51292. If different from that previously provided pursuant to subdivision (b), the notice shall also include a general description, in text or by diagram, of the agricultural preserve land acquired and a copy of any applicable contract created under this chapter.

(d) If, after giving the notice required under subdivisions (b) and (c) and before the project is completed within an agricultural preserve, the public agency or person proposes any significant change in the public improvement, it shall give notice of the changes to the Director of Conservation and the local governing body responsible for the administration of the preserve. Within 30 days thereafter, the Director of Conservation and the local governing body may forward to the public agency or person their comments with respect to the effect of the change to the public improvement on the land within the preserve and the compliance of the changed public improvements with this article. Those comments shall be considered by the public agency or person, if available within the time limits set by this subdivision.

(e) Any action or proceeding regarding notices or findings required by this article filed by the Director of Conservation or the local governing body administering the agricultural preserve shall be governed by Section 51294.

51291.5. The notice requirements of subdivision (b) of Section 51291 shall not apply to the acquisition of land for the erection, construction, or alteration of gas, electric, piped subterranean water or wastewater, or communication facilities.

51292. No public agency or person shall locate a public improvement within an agricultural preserve unless the following findings are made:

(a) The location is not based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) If the land is agricultural land covered under a contract pursuant to this chapter for any public improvement, that there is no other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements where the board or council administering the agricultural preserve approves or agrees to the location thereof, except when the acquiring agency and administering agency are the same entity.

(b) The acquisition of easements within a preserve by the board or council administering the preserve.

(c) The location or construction of any public utility improvement which has been approved by the Public Utilities Commission.

(d) The acquisition of either (1) temporary construction easements for public utility improvements, or (2) an interest in real property for underground public utility improvements. This subdivision shall apply only where the surface of the land subject to the acquisition is returned to the condition and use that immediately predated the construction of the public improvement, and when the construction of the public utility improvement will not significantly impair agricultural use of the affected contracted parcel or parcels.

(e) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

Comment Letter AS002 Continued**Government Code Section 51291 to 51295
Page 3**

- (1) Flood control works, including channel rectification and alteration.
- (2) Public works required for fish and wildlife enhancement and preservation.
- (3) Improvements for the primary benefit of the lands within the preserve.
- (f) Improvements for which the site or route has been specified by the Legislature in a manner that makes it impossible to avoid the acquisition of land under contract.
- (g) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as those sections read on October 1, 1965.
- (h) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the Water Code, except facilities under paragraph (6) of subdivision (d) of that section.
- (i) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.
- (j) The acquisition of a fee interest or conservation easement for a term of at least 10 years, in order to restrict the land to agricultural or open space uses as defined by subdivisions (b) and (c) of Section 51201.

51293.1. Any public agency or person requiring land in an agricultural preserve for a use which has been determined by a city or county to be a "compatible use" pursuant to subdivision (e) of Section 51201 in that agricultural preserve shall not be excused from the provisions of subdivision (b) of Section 51291 if the agricultural preserve was established before the location of the improvement of a public utility was submitted to the city, county, or Public Utilities Commission for agreement or approval and that compatible use shall not come within the provisions of Section 51293 unless the location of the improvement is approved or agreed to pursuant to subdivision (a) of Section 51293 or the compatible use is listed in Section 51293.

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Conservation. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against the landowner.

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Conservation and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve, a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request each county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to the location or acquisition.

51294.2. If any local governing body administering an agricultural preserve within 90 days after receiving a request pursuant to Section 51294.1 has not approved or agreed to the location of water transmission facilities as provided in Section 51294.1 or in subdivision (a) of Section 51293, the public agency making such request may file an action against such local governing body in the superior court of one of the counties within which any such body has failed to approve the location of facilities or the acquisition of land therefor, to determine whether the public agency proposing

**Government Code Section 51291 to 51295
Page 4**

the location or acquisition has complied with the requirements of Section 51292. If the court should so determine, the provisions of Section 51292 shall not apply to the location of water transmission facilities, nor the acquisition of land therefor, in any of the counties into which they shall extend, and no writ of mandamus shall be issued in relation thereto pursuant to Section 51294. For the purposes of this section, the county selected for commencing such action is the proper county for the trial of such proceedings. In determining whether the public agency has complied with the requirements of Section 51292, the court shall consider the alignment, functioning and operation of the entire transmission facility.

Courts shall give any action brought under the provisions of this section preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined.

51295. When any action in eminent domain for the condemnation of the fee title of an entire parcel of land subject to a contract is filed, or when that land is acquired in lieu of eminent domain for a public improvement by a public agency or person, or whenever there is any such action or acquisition by the federal government or any person, instrumentality, or agency acting under the authority or power of the federal government, the contract shall be deemed null and void as to the land actually being condemned, or so acquired as of the date the action is filed, and for the purposes of establishing the value of the land, the contract shall be deemed never to have existed.

Upon the termination of the proceeding, the contract shall be null and void for all land actually taken or acquired.

When an action to condemn or acquire less than all of a parcel of land subject to a contract is commenced, the contract shall be deemed null and void as to the land actually condemned or acquired and shall be disregarded in the valuation process only as to the land actually being taken, unless the remaining land subject to contract will be adversely affected by the condemnation, in which case the value of that damage shall be computed without regard to the contract.

When an action to condemn or acquire an interest that is less than the fee title of an entire parcel or any portion thereof of land subject to a contract is commenced, the contract shall be deemed null and void as to that interest and, for the purpose of establishing the value of only that interest, shall be deemed never to have existed, unless the remaining interests in any of the land subject to the contract will be adversely affected, in which case the value of that damage shall be computed without regard to the contract. The land actually taken shall be removed from the contract. Under no circumstances shall land be removed that is not actually taken for a public improvement, except that when only a portion of the land or less than a fee interest in the land is taken or acquired, the contract may be canceled with respect to the remaining portion or interest upon petition of either party and pursuant to the provisions of Article 5 (commencing with Section 51280).

For the purposes of this section, a finding by the board or council that no authorized use may be made of the land if the contract is continued on the remaining portion or interest in the land, may satisfy the requirements of subdivision (a) of Section 51282.

If, after acquisition, the acquiring public agency determines that it will not for any reason actually locate on that land or any part thereof, the public improvement for which the land was acquired, before returning the land to private ownership, the public agency shall give written notice to the Director of Conservation and the local governing body responsible for the administration of the preserve, and the land shall be reenrolled in a new contract or encumbered by an enforceable deed restriction with terms at least as restrictive as those provided by this chapter. The duration of the restriction shall be determined by subtracting the length of time the land was held by the acquiring public agency or person from the number of years that remained on the original contract at the time of acquisition.

Response to Comments of Dennis J. O'Bryant, Acting Assistant Director – State of California Resources Agency, May 19, 2004 (Letter AS002)

AS002 -1

The Authority acknowledges the suggested approach to areas outside Important Farmland Map boundaries. Further study of farmland resources will occur at the project level analysis. The Authority acknowledges the recommendation to use the California Land Evaluation and Site Assessment (LESA) Model for subsequent project level analysis.

AS002 -2

In the Final Program EIR/EIS, each environmental area (sections of Chapter 3) has been modified to include mitigation strategies that are recommended for general application in the HST system. Each section of Chapter 3 also outlines specific design features that will be applied in the implementation of the HST system to avoid, minimize, and mitigate potential impacts.

AS002 -3

The Final Program EIR/EIS has been revised to incorporate the description of conservation easements as provided. (see Section 3.8.1.)

AS002 -4

The Final Program EIR/EIS has been revised to incorporate the description of the Williamson Act as provided. (see Section 3.8.1.)

AS002 -5

The Director of Conservation has been included in the distribution of the Final Program EIR/EIS and will be provided notice of potential impacts to agricultural lands, including agricultural preserves and lands under Williamson Act contracts, which are identified during subsequent project level environmental review and analysis. Acknowledged are the suggested items to be included in project-level reviews.

Comment Letter AS003

AS003



DEPARTMENT OF CONSERVATION STATE OF CALIFORNIA

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET
SACRAMENTO
CALIFORNIA
95814

PHONE
916/324-0850

FAX
916/327-3430

INTERNET
consrv.ca.gov

ARNOLD
SCHWARZENEGGER
GOVERNOR

August 2, 2004

Mr. Dan Leavitt
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Mr. David Valenstein
USDOT Federal Railroad Administration
1120 Vermont Avenue N.W. M/S 20
Washington D.C. 20590

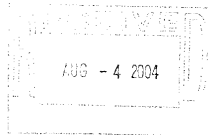
Subject: **SCH#2001042045** Draft Programmatic Environmental Impact
Report/Statement for the Proposed California High-Speed Train
System, Amended Comments

Dear Mr. Leavitt and Mr. Valenstein:

California's Department of Conservation's Division of Land Resource Protection (Division) monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act, California Farmland Conservancy Program, and other agricultural land conservation programs.

The California High Speed Rail Authority (Authority) is acting as the California lead agency for the purposes of compliance with the California Environmental Quality Act, and the Federal Railroad Administration (FRA) is the federal lead, in cooperation with the U.S. Environmental Protection Agency (USEPA), U.S. Army Corps of Engineers (USACE), the Federal Transit Administration (FTA), the Federal Aviation Administration (FAA) and the U.S. Fish and Wildlife Service (USFWS) for compliance with the National Environmental Policy Act. The project proponents propose a high-speed train system that would serve the major metropolitan cities in the Central Valley and the Bay Area to Los Angeles and San Diego. Five study routes are analyzed: Bay Area to Merced, Sacramento to Bakersfield, Bakersfield to Los Angeles, Los Angeles to San Diego via the Inland Empire, and Los Angeles to San Diego via Orange County.

Division staff reviewed the Draft Program Environmental Impact Report/Statement (DEIR/S) for the proposed California High-Speed Train System. We acknowledge that the document is programmatic, and agree



Mr. Dan Leavitt and Mr. David Valenstein
August 2, 2004
Page 2 of 6

that further environmental documentation will be necessary as the project continues to develop, and our comments should be considered in more detail when site-specific activities are identified. We respectfully submit our comments:

Section 3.8.1 (A) cites the Public Resources Code (PRC) and the CEQA Guidelines as requiring that effects on agricultural land to be considered. There is no section 21095 (a) in the CEQA Guidelines, as is indicated in the document.

AS003-1

Identification of Agricultural Lands

The DPEIR/EIS, Chapter 3.8, provides a discussion of agricultural lands within the project corridors. On Page 3.8-1, the DPEIR/EIS notes that the agricultural lands discussed in the document are those included in the Division's Farmland Mapping and Monitoring Program. As noted in the DPEIR/EIS, the categories of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are agricultural map categories specifically shown on the Division's Important Farmland Maps. Additionally, the Division staff prepares maps indicating the locations of Williamson Act contracted lands. As this project progresses and becomes more defined, this information can be provided to lead agency representatives upon request.

AS003-2

The project corridors, as shown on Figure S.4-2, include some areas that are not mapped on Important Farmland Maps. For example, the route options shown south of Bakersfield, traverse different sections of Kern County. Areas of Kern County are mapped as Important Farmland Maps in the northwest and southeast quadrants; and mapped as Interim Farmland Maps in the northeast and southwest quadrants. The agricultural map categories in the "interim map" areas are Irrigated Farmland and Non-Irrigated Farmland; there are no map categories for Prime Farmland, Farmland of Statewide Importance, Unique Farmland or Farmland of Local Importance.

The Division recommends that the agricultural impact discussion for areas outside Important Farmland Map boundaries be based on the agricultural land definition in the Williamson Act. This would also be in accordance with the following definition for "agricultural land" in the California Environmental Quality Act (PRC 21060.1):

AS003-3

- (a) "Agricultural land" means prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California.
- (b) In those areas of the state where lands have not been surveyed for the classifications specified in subdivision (a), "agricultural land" means land that meets the requirements of "prime agricultural land" as defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.